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8 **Attorney for Defendant**
9 **KAMAAL L. OWEN**

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 UNITED STATES OF AMERICA,

No. 21-MJ-71611 MAG

15 Plaintiff,

16 **DEFENDANT'S MEMORANDUM IN**
17 **SUPPORT OF PRETRIAL RELEASE**

18 v.

19 KAMAAL L. OWEN,

Judge: Hon. Thomas S. Hixson

Date: October 19, 2021

20 Defendant.

Time: 10:30 a.m.

21
22 For the following reasons, Defendant KAMAAL OWEN is neither a danger to the
23 community nor a flight risk and moves this Court to release him on a personal signature bond
24 with reasonable conditions of pretrial release.

25 Defendant agrees with the government that, in determining whether detention is
26 appropriate, this Court must consider information regarding (1) the nature and circumstances of
27 the charged offense, (2) the weight of the evidence, (3) the danger posed by the defendant to any
28 person or the community, and (4) the history and characteristics of the defendant. Defendant
Owen contends that consideration by this Court as to all these factors, should lead to his release
on reasonable conditions.

1. KAMAAL OWEN IS A LIFELONG MEMBER OF HIS COMMUNITY

As set forth in the attached eight (8) character letters, and as will be alleged at the
upcoming hearing, Mr. Owen has been a lifelong productive member of his community, is the

1 son of a local teacher in the community, is held in high regard by many other members of that
2 community, and has never in his 36 years of life been in any legal conflicts, civil or criminal.

3 Furthermore, Mr. Owen has been in a stable long-term 8-year relationship with Jennifer
4 French and has assumed the responsibility for the welfare of her two teenager children, ages 16
5 and 12, as well as their own 5-year old son, where they all live together for the past eight years
6 in their residence at 2174 Alderpoint Road, Garberville, CA, Humboldt County, CA.

7 Lastly, Mr. Owen is the legal owner of his home at at 2174 Alderpoint Road and is
8 unlikely to be a flight risk and abandon that ownership nor abandon his family in the face of
9 allegations that involve cannabis, a substance that is lawful to grow and possess in numerous
10 states throughout the United States.

11 So, as to the danger posed by the defendant to any person or the community, and the
12 history and characteristics of the defendant, the government has offered nothing to this Court that
13 would suggest that detention is appropriate.
14

15
16 **2. KAMAAL OWEN HAS PROVISIONAL LICENSES ISSUED BY THE STATE**
17 **OF CALIFORNIA FOR THE CULTIVATION OF CANNABIS AT TWO**
18 **LOCATIONS.**

19 As set forth in the attached Provisional Cannabis Cultivation Licenses, Kamaal Owen,
20 prior to and at the time of his arrest, was licensed as Chamise Creek Farms, LLC by the
21 California Department of Food and Agriculture to cultivate cannabis at, 665 Chamise Loop
22 Road, in Humboldt County, CA (Lic. No. CCL19-0000314 and Lic. No. CCL20-0001838) and at
23 2174 Alterpoint Road, in Humboldt County, CA (Lic. No. CCL19-0005407).
24

25 The government, in its Memorandum offers absolutely no evidence that Mr. Owen was
26 either “unlawfully growing and selling” the cannabis which he was, in fact, lawfully cultivating
27 nor that Mr. Owen was ever involved in the sale and/or transportation of any cannabis outside of
28 the state of California. No such evidence exists before this Court.

1 Furthermore, even the charging 2-page Indictment in the Eastern District of Wisconsin
2 (Case No. 21-CR-193) offers no facts whatsoever to support any allegation that Mr. Owen sold
3 or provided his lawful cannabis to others to transport out of the state of California.
4

5 So, as to the nature and circumstances of the charged offense and the weight of the
6 evidence against Mr. Owen, the government has offered nothing to this Court that would suggest
7 that detention is appropriate.

8 9 **3. THE WEAPONS FOUND AT KAMAAL OWEN'S RESIDENCE**

10 Although it is undisputed that various firearms were located at Mr. Owen's residence,
11 there exists no evidence that any of those firearms were illegal to possess nor that those firearms
12 were every used in any illegal manner. Also, since Mr. Owen was **lawfully** cultivating cannabis
13 at the location where the firearms were located, those firearms were not used to protect any
14 unlawful activities. Consequently, the simple possession of those firearms should not support
15 any request by the government that Mr. Owen should be detained simply because he legally
16 possessed those firearms.

17 **CONCLUSION**

18 For the foregoing reasons, it is requested that Mr. Owen be released from detention with
19 the execution of a signature bond and with other reasonable conditions of release that this Court
20 deem appropriate.

21 Dated: October 18, 2021

22 Respectfully submitted,

23 S/David M. Michael

24 DAVID MICHAEL
25 Attorney for Defendant
26 KAMAAL OWEN
27
28

ATTACHMENTS RE CHARACTER LETTERS

To Whom It May Concern,

I, Jennifer French, have been in a committed relationship with Kamaal Owen for almost 8 years. We share a 5 year old son together. He is an amazing father to his son and step father to my two older sons ages 16 and 12. He devotes his free time to these children coaching them on many sports activities, and life lessons like the importance of hard work in school and at home, helping others, kindness, and the love of family. He brings joy and love to our lives.

Kamaal is a great man. When I came into his life he didn't need to be a father to my children but he did. He didn't need to be the supportive partner in my life but he was. He didn't need to help my family in times of need but he has. For both friends and family alike he would give the shirt off his back. He's well known in the community for his volunteer work and his selfless demeanor. If asked, not a single person in this town would have a bad word to say about Kamaal. They would all say that Kamaal is a decent human being; a man they are fortunate to know.

Kamaal is a devoted son to local teacher Siena Klein and helps with anything she needs both personal or for her classes.

Kamaal was born and raised in this community and has striven to help our community grow and thrive; the same way he has striven our family to grow and thrive.

Not having Kamaal Owen in our lives would be a devastating loss.

Thank you for your understanding and consideration,

Jennifer French

To The Honorable, whom it may concern,

I am writing on behalf of my neighbor and longtime friend Kamal Owen. I have known Kamal since he was a toddler, trying so hard and always with a good attitude, to keep up with the bigger kids. I watched with total joy, that little red headed boy often. I have 5 kids of my own, and my house was one of the gathering places for the neighborhood, in our remote homesteading community that I have lived for 43 years. It is a rural farm life, far from town. We all struggled to put food on the table at times, but shared what we had and with each other's help, built a community from scratch. Kamal has always been here as a very strong and integral part. He has helped me and everyone around here, countless times, and is one of the first ones on-site as a volunteer firefighter. Recently he came with equipment of his own and helped stop what could have been a devastating fire, in deep forest, from taking out our community. He didn't think twice about putting himself on the front line. The moment I called on him, he was there! He is always willing to give a hand or help anyone in need. He takes care of his elderly parents, holding back nothing for them. He cuts and brings firewood and groceries, regularly, as well as helps

pay some of the bills of one of our dear friends Shyla that has disabilities. She has been helped for years by Kamal, as she was his step mother at one time. He is involved with raising his young son and spends time working on the local sports field for other kids. I have spent time recently engaged in incredible spiritual conversations where he has shared new insights of great depth. Kamal is a wonderful person, father, husband, neighbor and friend. And we love him dearly. I see Kamal often, because my husband of 32 years and I own the only store in the area and Kamal visits often. Always offering to help and never being too busy to give his time to us all. It would not be the same here without him! Please know how much he is needed and loved by so many.

Sincerely, Kim Phelps

The New Harris General Store.

[5720 Bell Springs rd, Garberville, California, 95542](#)

October 16,2021

Re: Kamal Owen

To whom it may concern:

My name is Lauren Baum, I am a certified Health Coach and Author.

I have known Kamal Owen for over 20 years. Kamal has always been a compassionate person devoted to his family. He possesses a great deal of integrity and constantly strives to be the best Dad and partner he can be.

Kamal's son and my son are very close friends. He is very active in our kids' lives. I have two little boys age three and six. He makes sure all our kids are actively involved in outdoor activities. Also helping them to build good habits and stay healthy.

Kamal is the type of person to drop whatever he's doing for anyone in need rather it be a natural disaster or personal situation. He is the guy who would give his shirt off his back and never think twice about it. He has helped encourage my son to ride bikes more and play less video games. That influence alone is worth more than gold to me. He has helped my son get up on a snowboard for the first time and helped him love it.

In conclusion Kamal has always been a positive support for our community. Helping put out fires and offering any resources he had available during pressing times. He is a positive presence with our youth and a motivational father. I am grateful to call him my friend. I understand it must be difficult for you to make the decision you must without really knowing him. I hope you read my letter and understand that Kamal is the kind of person who others are proud to stand up for. Thank you for your time.

Lauren Baum
430 Valley View
Garberville Ca
95542
(707)502-7729

October 17, 2021

Re: Kamal Owen

To whom it may concern:

My Name is Nathan Kempe. I am a chief for a local volunteer fire department and a welder/machinist.

I have known Kamal Owen for over 25 years. He has always been a staple of the community and more than willing to help people he doesn't even know. He is the kind of guy that would give you his shirt off of his own back and not expect anything in return. He is also active in helping with local volunteer fire fighting and will use his equipment or vehicles to help keep other people and their property safe.

I am a father of two amazing kids that are friends with Kamal's boy Chase. Kamal always treats all the kids around him like they are his own and goes out of his way to make sure they are safe and having as much fun as possible. Recently he helped my youngest learn how to snowboard, and she started calling him uncle Kamal. He is one of the best fathers I know and is always active in his son's life and gets him out of the house doing activities and sports. He doesn't just put his kid in front of a screen and ignore him. Watching Kamal become an amazing father has made me very proud of him.

In Conclusion, Kamal is a great guy and a positive influence for everyone around him. He is a staple of the community, a motivational father, and all around a good person. I am grateful to have known him most of my life and proud to call him my friend. I hope you read my letter and understand that Kamal is the kind of person that every community needs and someone that his friends, family, and neighbors are proud to know and we all will stand up for him. Thank you for your time.

Nathan Kempe
nkempe717@gmail.com
707-223-1070

October 17, 2021

Russell French
368 Sprowel Creek Rd. Unit 790
Garberville CA 95542

re. Kamaal Owen

Your Honor,

I am Russ French, the Grandfather of his son Chase. I am the father of his spouse Jennifer French.

Kamaal came into my daughters life at a time she had just had a terrible breakup with her first spouse. Her time with the first spouse was turbulent and ended with two sons that she was left with to care for.

Kamaal embraced the challenge of becoming a step-dad and has treated the older kids with the love and encouragement that I could not have hoped for.

I was skeptical at first when I met Kamaal, but over these years I have come to know, respect, and love him as a part of our family.

I am 68 years old and can count on one hand the people that I would trust.

Kamaal is one of the very few people that I have met in my life that warrants my complete trust and admiration. He has not had much of a formal education, but he is a person that you can count on. I would stake my personal reputation on his reliability to answer the charges currently against him.

Any consideration you can give him would be warranted. Kamaal is a good man not with standing the current charges against him.

Sincerely yours,

Russ French

916-851-1010

October

15, 2021

To Whom it may concern: Re: Kamal Owen

Kamal is my son. He is a caring partner to Jennifer French. He takes responsibility for his two stepsons, Ethan and Elias and encourages them daily to become effective citizens. He is a nurturing father to his 5 year old son, Chase. He has renovated my house and helps me and his father whenever it is needed.

He has a business called Knockout Construction and does land development with his equipment. He contributes to many community members in need and works with the local volunteer fire department.

He is needed at home, especially by his 5 year old.

Sincerely,

Siena Klein

Teacher, Southern Humboldt Unified School District

P.O. B. 433, Miranda, CA

ATTACHMENTS RE CULTIVATION LICENSES



Department of
Cannabis Control
CALIFORNIA

Department of Cannabis Control



PROVISIONAL CANNABIS CULTIVATION LICENSE

Legal Business Name:

Chamise Creek Farms, LLC

Main Premises APN:

Humboldt County - 218-161-007

Main Premises Address:

665 Chamise Loop Road
Unincorporated, CA 95542

Valid:

08/07/2021 to 08/06/2022

License Number:

CCL19-0000314

License Type:

Adult-Use-Medium Mixed-Light Tier 1

--- PROVISIONAL LICENSE PURSUANT TO BPC 26050.2 ---

Additional Premises APN(s):

Additional Premises Address(es):



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814



PROVISIONAL CANNABIS CULTIVATION LICENSE

Legal Business Name:

Chamise Creek Farms, LLC

Main Premises APN:

Humboldt County - 218-161-007-000

Main Premises Address:

665 Chamise Loop Road
Unincorporated, CA 95542

Valid:

10/22/2020 to 10/22/2021

License Number:

CCL20-0001838

License Type:

Adult-Use-Specialty Cottage Mixed-Light Tie

--- PROVISIONAL LICENSE PURSUANT TO BPC 26050.2 ---

Additional Premises APN(s):

Additional Premises Address(es):



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814



PROVISIONAL CANNABIS CULTIVATION LICENSE

Legal Business Name:

Chamise Creek farms, LLC

Main Premises APN:

Humboldt County - 223-131-004-000

Main Premises Address:

2174 Alderpoint Road
Unincorporated, CA 95542

Valid:

02/01/2021 to 01/31/2022

License Number:

CCL19-0005407

License Type:

Adult-Use-Specialty Mixed-Light Tier 1

--- PROVISIONAL LICENSE PURSUANT TO BPC 26050.2 ---

Additional Premises APN(s):

Additional Premises Address(es):

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that, on October 18, 2021, I caused to be electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

s/David M. Michael

DAVID M. MICHAEL, CSB #74031
LAW OFFICES OF MICHAEL & BURCH, LLP

Attorney for Defendant
KAMAAL OWEN